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**From:** Ex. 6 Personal Privacy (PP)  
**Sent:** 2/28/2018 9:21:41 AM  
**To:** Rao, Kate [Rao.kate@epa.gov]  
**Subject:** Cesspool@tmk: 1-4-6-001-002

Good morning Ms. Rao. This is Richard Kozuma. And following is a summary of my activities on my cesspool replacement since our last contact.

I have been in contact with and have met with Carl Ibaan (Environmental Engineer, Waste Water Branch) and Shawn Sakoda (Environmental Engineer, Planning & Design Section, Waste Water Branch) of the Hawaii State Department of Health (DOH) to discuss my cesspool replacement, the septic system permitting process, and the retention of an appropriate waste water engineer for the work required. Mr. Ibaan suggested that I meet with Mr. Sakoda rather than Mark Tomimitsu, Mr. Sakoda's supervisor.

At our meeting, and at the suggestion of a soils engineer friend of mine, Larry Shinsato of Shinsato Engineering, I first offered two engineering firms for the work, Hida Okamoto & Associates and Engineering Dynamics Corp. I also offered R. M. Towill Corporation, as I am acquainted with one of Towill's principals. Mr. Sakoda stated that he was familiar with all three firms, and that all three were on the DOH's approved list of waste water engineers.

I did not contact Hida Okamoto & Associates Inc. I talked to my friend at Towill, and introduced myself to Ty T. Miyabuchi of Engineering Dynamics Corp. I felt most comfortable and confident with Mr. Miyabuchi, and asked Mr. Sakoda about Mr. Miyabuchi. Mr. Sakoda told me that he knew and had worked with Mr. Miyabuchi, and felt that Mr. Miyabuchi would be okay for the work required.

I've met with Mr. Miyabuchi several times, and have obtained and furnished Mr. Miyabuchi the information (plans, topography, etc.) that I had and knew of on the property, gave him copies of our email exchanges, and shared with him my discussions with Mr. Ibaan and Mr. Sakoda. Unfortunately, the spate of torrential rains in my area recently and a couple of scheduling conflicts prevented Mr. Miyabuchi from viewing my property until February 16.

Over the last week or so, Mr. Miyabuchi and I have discussed the surveying requirements (topography, property delineation, and shoreline certification), the property modifications for the placement of the new system, the retention of other design professionals, construction contractors, and other matters related to getting the work done as quickly and as expeditiously as possible.

Mr. Ibaan, Mr. Sakoda, and Mr. Miyabuchi have told me that their preliminary analyses indicate that the property cannot accommodate a leach field, and that therefore seepage pits would be required. The past Monday, Mr. Miyabuchi gave me the following information of the septic tank and the seepage pits: 1,000 gal. tank, 6'-1" wide x 11'-9" long, depth setting to be determined by topographic data, and 2 - 8' dia. seepage pits, 15' in depth.

Yesterday, Tuesday, I met with a principal of Hawaiian Dredging and Construction Company, arguably Hawaii's largest and most versatile construction contractor, to talk about the potential required work. I have had a significant relationship with the firm over the years and, knowing of the work that I planned to have done, several of their people have offered to give me the assistance that I will need.

The available spaces for the placement of the septic system all have problems. Therefore I am thinking of making changes to my home and property. However, I will need the topographic data and the shoreline certification which will result from the property survey referenced above to make appropriate decisions. I don't know how long the survey and certification will take. Mr. Miyabuchi will be working with the surveyors. As of today he is not able to fix a time frame for obtaining the required information.

One thing is certain. However I make modifications to my property, the cesspool will be eliminated. As I indicated to you previously it was my intent to get rid of the cesspool a while back. What stopped me previously were the actions of my neighbor who graded the area along our common property line, and near my cesspool, to build his illegal boat ramp. The grading work resulted in my property sloping towards his, causing water on my property to flow on to his, and damage to structures and areas on my property, including erosion and potholes in the area of my cesspool. Efforts to get the neighbor to fix, or otherwise address, the problems have been non-productive, despite promises to do something. The genesis of Mr. Ibaan's inspection of my cesspool and his informing you of his opinion that a LCC exists on my property

was the self-serving, and wrong, claim of the neighbor that water accumulation on his property resulted from leaching from my cesspool. The water accumulation, as best as I could determine, resulted from my cleaning a concrete deck on my property, the necessity of which was based on the flagrant fugitive dust from the neighbor's property and work. The neighbor would not tell me the location of the water accumulation, and lied to me that he had had the water tested. The neighbor, in doing his grading, had also removed hedges along the property line, which provided privacy and barriers between our properties.

I have filed a lawsuit against the neighbor for the above and other matters, like openly urinating into the ocean, within the sight of women and children, for years and in disregard of my and another neighbor's complaints. With the lawsuit in place I will now take actions on matters as necessary, and seek damages through the legal system. Most important, and most relevant to you, I will eliminate the cesspool as quickly as I can. I held back, notably on getting rid of the cesspool, because I was, and still am, uncertain of its significance in and extent of the damages that the neighbor had caused by his illegal grading.

I will keep you posted on developments, and will give you summary updates at least at the end of every month. Please give me an idea of the frequency you would like to be updated. I will, of course, inform you of major milestones, like the final development of plans, the permitting status, and the commencement and completion of work.

Regards,

Richard Kozuma